

*tion list has been provided, at least once in four consecutive calendar years his card shall be taken from the original and duplicate registration file and destroyed, and a printed postal card notice of these facts, and that the voters must register in order to vote in the precinct at any ensuing election, shall be sent to the last known address of the voter.*

Approved May 23, 1969.

CHAPTER 637—H. F. No. 1082

[Coded in Part]

*An act relating to soil and water conservation; amending certain provisions concerned with the powers and duties of soil and water conservation districts and supervisors and counties and county boards; amending Minnesota Statutes 1967, Sections 40.01, Subdivisions 2 and 3; 40.06, Subdivisions 2 and 3; 40.07; and 40.12; and amending Chapter 40 by adding sections.*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. [40.005] **Soil and water conservation districts.** *The name of the governmental subdivision heretofore designated in Minnesota Statutes, Chapter 40, or any other law as a soil conservation district is hereby changed to soil and water conservation district. Wherever any provision of Minnesota Statutes, Chapter 40, or any other law now in force or hereafter enacted designates or refers to a soil conservation district, it shall be deemed to mean a soil and water conservation district. The revisor of statutes is directed to correct subsequent editions of Minnesota Statutes as follows to conform to Subdivision 1: Whenever the statutes refer to "soil conservation district", he shall correct the wording to read "soil and water conservation district". Any action taken by or affecting any such district under its present name without such change shall not be invalidated by the omission.*

Sec. 2. Minnesota Statutes 1967, Section 40.01, Subdivision 2, is amended to read:

Subd. 2. **Soil and water conservation district.** *"District" or "Soil and water conservation district" or "district" means a governmental subdivision of this state organized in accordance with the provisions of this chapter for the purposes, with the powers, and subject to the restrictions hereinafter set forth.*

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

Sec. 3. Minnesota Statutes 1967, Section 40.01, Subdivision 3, is amended to read:

Subd. 3. **Supervisors; board.** ~~“Supervisor”~~ *“Supervisors”, “board of supervisors”, “district board”, or “board” means one of the members of the governing body of a district, members of which are elected or appointed in accordance with the provisions of this chapter. “Supervisor” means a member of that body. “Boards” mean a joint board as described in Section 7.*

Sec. 4. Minnesota Statutes 1967, Section 40.06, Subdivision 2, is amended to read:

Subd. 2. **Tenure; vacancies; quorum; compensation.** ~~The supervisors shall elect a chairman to act during their pleasure.~~ A supervisor shall hold office until his successor has been elected or appointed and has qualified. Vacancies in the office of supervisor appointed by the state commission, for an entire term or an unexpired term, shall be filled by the state commission. A majority of the supervisors shall constitute a quorum and the concurrence of a majority in any matter within their duties shall be required for its determination *except as otherwise expressly provided.* A supervisor shall receive such compensation for his services as the commission may determine, and he shall be entitled to expenses, including traveling expenses, necessarily incurred in the discharge of his duties to be paid by the county of which the supervisor is a resident, upon approval by the commission, and the sum so paid shall be reimbursed by the commission out of funds available therefore; provided that a supervisor shall receive as reimbursement for the use of his own automobile in the performance of his duties, 7 1/2 cents per mile to be allowed and paid as above prescribed.

Sec. 5. Minnesota Statutes 1967, Section 40.06, Subdivision 3, is amended to read:

Subd. 3. **Officers; employees; information to commission.** *The supervisors shall elect or appoint officers for the district and the board of supervisors as follows: A chairman elected from their own members and a secretary and a treasurer appointed or selected from within or without such membership, all to serve at the pleasure of the supervisors. Such officers shall have the powers and duties incident to their respective offices, and such other powers and duties as may be expressly prescribed by law or directed by the supervisors for any such purpose.* The supervisors may employ ~~a secretary;~~ technical experts; and such other officers, agents, and employees, permanent and temporary, as they may require, and shall determine their qualifications, duties, and compensation. The county attorney of the

**Changes or additions indicated by italics, deletions by strikeout.**

county in which the major portion of ~~said soil conservation~~ *the* district is located, ~~or one who may be otherwise employed by the board~~ shall be the attorney for ~~said~~ *the* district, and the supervisors thereof, and the ~~said~~ supervisors may call upon ~~said attorney~~ *him* for the necessary legal counsel and advice and service. The supervisors may delegate to their chairman ~~or other officer~~, to one or more supervisors, or to one or more agents; or employees such powers and duties as they may deem proper. The supervisors shall furnish to the state soil and water conservation commission, upon request, copies of such ordinances, rules, regulations, orders, contracts, forms, and other documents as they shall adopt or ~~employ use~~, and such other information concerning their activities as ~~it~~ *the commission* may require in the performance of its duties under this chapter.

Sec. 6. Minnesota Statutes 1967, Section 40.07, is amended to read:

40.07 **Powers of districts and supervisors.** *Subdivision 1.* A soil and water conservation district organized under the provisions of this chapter shall constitute a governmental *and political* subdivision of this state, and a public body, corporate and politic, exercising public powers, and the district, and the supervisors thereof, shall have the ~~following~~ *following* powers *prescribed in this section*, in addition to ~~others granted in other sections of this chapter: those otherwise prescribed by law.~~

(1) *Subd. 2.* A district may ~~to~~ conduct surveys, investigations, and research relating to the character of soil erosion and the preventive and control measures needed, ~~to~~ publish the results of such surveys, investigations, or research, and ~~to~~ disseminate information concerning such preventive and control measures; provided, however, that in order to avoid duplication of research activities, no district shall initiate any research program except in cooperation with the government of the state or any of its agencies, or with the United States or any of its agencies.

(2) *Subd. 3.* A district may ~~to~~ conduct ~~demonstrational~~ *demonstration* projects within the district on lands owned or controlled by this state or any of its agencies, with the cooperation of the agency ~~administering and having jurisdiction in control~~ thereof, and on any other lands within the district; ~~upon obtaining with the consent of the owner or occupier of such lands or the necessary rights or interest in such lands in control thereof~~, in order to demonstrate by example the means, methods, and measures ~~by which~~ *for conservation of soil and soil water resources may be conserved*, for proper drainage, for the prevention and control of floods and pollution and for the prevention

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

*and control of soil erosion in the form of soil blowing and soil washing may be prevented and controlled;*

(3) *Subd. 4. A district may ~~to~~ carry out constructive, preventive, and control measures within the district, including but not limited to; engineering operations, works of improvement for any purpose specified in this section or in section 40.02, methods of cultivation, the growing of vegetation, changes in use of land, and the measures referred to in section 40.02, on lands acquired by the district, and on other lands owned or controlled by this state or any of its agencies, with the cooperation of the agency administering and having jurisdiction in control thereof, and on any other lands within the district, upon obtaining with the consent of the owner or occupier of such lands or the necessary rights or interests in such lands, including the owner of the fee in control thereof;*

(4) *Subd. 5. A district may ~~to~~ cooperate or enter into agreements with; and, within the limits of available appropriations ~~only made available to it by law; to~~ furnish financial or other aid to; any agency, governmental or otherwise, or any occupier of lands ~~within the district;~~ in the carrying on of erosion control and prevention operations *and other measures for the purposes specified or referred to in this section or section 40.02* within the district, subject to such conditions as the supervisors may deem necessary to advance the purposes of this chapter;*

(5) *Subd. 6. A district may ~~to~~ obtain options upon and ~~to~~ acquire; by purchase, exchange, lease, gift, grant, bequest, devise, or otherwise; any property, real or personal, or rights or interest therein; ~~to~~ may maintain, operate, administer, and improve any properties acquired, ~~to~~ may receive income from such properties and to expend such income in carrying out the purposes and provisions of this chapter; and ~~to~~ may sell, lease, or otherwise dispose of any of its property or interests therein in furtherance of the purposes and provisions of this chapter;*

(6) *Subd. 7. A district may ~~to~~ make available, on such terms as it shall prescribe, to land occupiers within the district, agricultural and engineering machinery and equipment, fertilizer; seeds, and seedlings, and such other material or equipment as will assist such land occupiers to carry on operations upon their lands for the conservation of soil and water resources, ~~and~~ for the prevention and control of soil erosion; or for any other purpose specified in Minnesota Statutes, Chapter 40, and acts amendatory thereof.*

(7) *Subd. 8. A district may ~~to~~ construct, install, improve, and maintain, and operate such structures and works as may be nec-*

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

essary or convenient for the performance of any of the operations authorized in this chapter.

(8) *Subd. 9.* A district may ~~to~~ develop comprehensive plans for the conservation of soil and water resources and for the control and prevention of soil erosion within the district, ~~which plans shall specify, in such detail as may be possible, the acts, procedures, performances, and avoidances which are specifying the measures and practices deemed necessary or desirable for the effectuation of such plans thereof, including, the specifications of without limitation, engineering operations, construction, maintenance, and operation of works, methods of cultivation, the growing of vegetation, cropping programs, tillage practices, and changes in use of land, and to may publish such plans and information and bring them to the attention of occupiers of lands within the district, and others concerned. Such plans shall be consistent with the state plan for water and related land resources.~~

(9) *Subd. 10.* A district may ~~to~~ take over, by purchase, lease, or otherwise, and ~~to may improve, maintain, operate and~~ administer, any soil or water conservation, erosion-control, ~~or erosion-prevention, watershed protection, flood prevention or flood control project~~ located within its boundaries undertaken by the United States ~~or any of its agencies, or by this state or any of its their agencies, to manage, as agent of the United States or any of its agencies, or of this state or any of its agencies, any soil conservation, erosion-control, or erosion-prevention project within its boundaries, to act as agent for the United States or any of its agencies, or for this state or any of its agencies, for or in connection with the acquisition, construction, operation, management or administration of any soil conservation, erosion-control, or erosion prevention such project, within its boundaries, to may accept donations, gifts, and grants, or contributions in money, services, materials, or otherwise, from the United States or any of its agencies, or from this state or any of its their agencies, or from any other source, may enter into any contract or agreement which may be necessary or appropriate for the purposes thereof, may comply with any applicable provisions of federal or state law, and to may use or expend such moneys, services, materials, or other contributions in carrying on its operations, things in accordance with the applicable terms and conditions for any authorized purpose of the district.~~

(10) *Subd. 11.* A district may ~~to~~ sue and be sued in the name of the district, ~~to~~ have perpetual succession, unless terminated as hereinafter provided, ~~to~~ make and execute contracts and other instruments, necessary or convenient to the exercise of its powers, ~~to and make, and, from time to time, amend, and or repeal, rules and~~

Changes or additions indicated by *italics*, deletions by ~~strikeout~~.

regulations not inconsistent with this chapter; to carry into effect its purposes and powers;

~~(11)~~ *Subd. 12.* As a condition to the extending of any benefits under this chapter to; or the performance of work upon; any lands not owned or controlled by this state or any of its agencies *or by the district*, the supervisors may require *compensation or contributions in money, services, materials, or otherwise; to any commensurate with the cost or reasonable value of the operations or work conferring such benefits; but.*

~~(12)~~ No provisions with respect to the acquisition, operation, or disposition of property by other public bodies shall be applicable to a district organized hereunder unless the legislature shall specifically so state.

~~(13)~~ *Subd. 13.* A district may ~~to~~ make application to the secretary of agriculture; or other designated authority; for federal assistance under the provisions of Public Law 566, 83rd Congress, Chapter 656, 2d Session, or any act amendatory thereof or supplementary thereto *or under any other law providing for federal assistance for any authorized purpose of the district and may enter into any agreement and take any other action required for compliance with any such law.*

~~(14)~~ *Subd. 14.* A district may ~~to~~ enter into any agreement or contract with the secretary of agriculture; or other designated authority; *which may be necessary or appropriate for the purpose of obtaining or using federal assistance under the provisions of said Public Law 566, or any act amendatory thereof or supplementary thereto, or under any other law providing for federal assistance for any authorized purpose of the district, or for the construction, maintenance, and operation of works of improvement as defined in said act or amendatory act or other applicable federal law; to may* acquire without cost to the federal government such land, easements, or rights-of-way as will be needed in connection with works of improvement installed with federal assistance; ~~to may~~ assume such proportionate share of the cost of installing any works of improvement involving federal assistance as may be determined by the secretary *or other designated authority* to be equitable in consideration of anticipated benefits from such improvements; ~~to may~~ make arrangements satisfactory to the secretary *or other authority* for defraying costs of operating and maintaining such works of improvement in accordance with regulations prescribed by ~~said~~ secretary of agriculture, *or other designated authority*; ~~to may~~ acquire or provide assurance that land owners have acquired such water rights *and other rights*, pursuant to state

**Changes or additions indicated by italics, deletions by strikeout.**

law, as may be needed in the installation, *maintenance*, and operation of ~~said such~~ works of improvements; ~~to may~~ obtain agreements to carry out recommended soil *and water* conservation measures and proper farm plans from owners of not less than 50 percent *or other required percentage* of the lands situated in any drainage area above any retention reservoir which may be installed with federal assistance, all as prescribed in said Public Law 566 *or amendatory act or other applicable federal law*, and ~~to may~~ do any and all other acts necessary to secure *and use* federal aid ~~under said Public Law 566; or any act amendatory thereof or supplementary thereto; subject, however, to the provisions contained in the following paragraph thereunder.~~

~~(15) Every contract attempted to be entered into or indebtedness or pecuniary liability attempted to be incurred by any soil conservation district, or supervisors thereof, whereby a financial obligation, express or implied, results or is created in excess of moneys or funds under the control and supervision of such soil conservation district, or supervisors thereof, available for the payment thereof, shall be null and void in regard to any obligation thereby sought to be imposed, and no claim therefor shall be allowed by the supervisors of any such soil conservation district. Every supervisor of any soil conservation district participating or authorizing any such contract or obligation shall be individually liable to the soil conservation district, of which he is supervisor, for any damages caused thereby, and shall be liable to any person furnishing any labor, services, or material, on any such contract entered into or obligation assumed.~~

*Subd. 15. Finances. The district board of supervisors annually shall present a budget consisting of an itemized statement of district expenses for the ensuing calendar year to the board of county commissioners or boards of county commissioners of the county or counties in which the district is located. The county board or boards may levy an annual tax on all taxable real property in the district for such amount as the board or boards determine to be necessary to meet the requirements and obligations of the district, not exceeding a rate of two mills or \$15,000 whichever is the lesser. This levy shall be allowed in addition to any other tax authorized to be levied by a county and shall not cause the amount of other taxes levied or to be levied by the county, which are subject to any such limitation, to be reduced in any amount whatsoever. The amount levied shall be collected and distributed to the district in like manner as prescribed by Minnesota Statutes, Chapter 276. This amount may be spent by the district board for any district purpose authorized by law.*

Sec. 7. Minnesota Statutes 1967, Section 40.12, is amended to read:

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

**40.12 Cooperation between districts and other public agencies.** The supervisors of any two or more districts organized under the provisions of this chapter may cooperate with one another or with any other public agency in the exercise of any or all powers conferred in this chapter. *The district board may enter into contracts or other arrangements with the United States government, or any department thereof, with persons, or corporations, with public corporations and the state government of this state or other states. In furtherance of any authorized purpose, a soil and water conservation district may join or cooperate by agreement as provided in Minnesota Statutes, Section 471.59, or any act amendatory thereof or supplementary thereto, with any other such district or any watershed district, or any governmental unit as defined in said section 471.59 or with any combination thereof in any operation or project for any authorized purpose in which the soil and water conservation district and the other contracting party or parties have a common interest. For all such purposes soil and water conservation districts and watershed districts shall be deemed to be governmental units under the provisions of section 471.59 and acts amendatory thereof or supplementary thereto.*

*Where the improvement work unit covers two districts, a joint board made up of three supervisors from each of the district boards will preside. Where the improvement work unit covers three or more districts, a joint board made up of two supervisors from each of the district boards will preside. The individual boards will appoint the supervisors who will represent them on the joint board.*

*The joint board will have the responsibility and authority to accept and approve initiatory requests for improvement work units, direct the preparation of preliminary surveys and studies, establish improvement work units, and, at the direction of the boards of county commissioners, adopt programs and reports, award contracts, supervise construction, and accept completed construction work.*

Sec. 8. Minnesota Statutes 1967, Chapter 40, is amended by adding a section to read:

**[40.072] Soil conservation districts; works of improvement.** *Subdivision 1. Authority. In addition to all other powers prescribed by law and without limiting the same, the board of supervisors of a soil and water conservation district may, when directed by resolution of the board of county commissioners or boards of commissioners from the county or counties in which the district is located undertake, construct, install, maintain, and operate in the name of the district as provided in this section works of improvement for any district purpose specified or referred to in Minne-*

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

*sota Statutes, Chapter 40, and acts amendatory thereof. For the purposes of any such works the board may use the proceeds of tax levies, assessments, and any other available funds, may acquire necessary real or personal property by purchase or gift, and may contract, survey, plan, construct, install, maintain and operate such works, and exercise any other powers vested in it by law, so far as appropriate, subject to the further provisions hereof.*

**Subd. 2. Initiation of program.** *A program for such works of improvement in any area within the district or districts if the project is in more than one district may be initiated upon written request submitted to the board or boards by one or more of the owners of land in the affected area. The request shall include a general description of the area proposed for inclusion in an improvement work unit, with a proposed name or number therefor, a description of the affected land owned by signer or signers, and a statement of the objectives of the proposed works in furtherance of the authorized purposes, the grounds upon which the same will be of public benefit and utility and will promote the public health, safety, and welfare, and the special benefits to property which will result therefrom, if any. As soon as practicable after receipt of such a request the board or boards shall make or cause to be made such preliminary surveys and studies as it deems necessary for action thereon, and if the board or boards thereupon determine that the works proposed thereby are feasible and will be of public utility and benefit, will promote the public health, safety, and welfare, and will be in furtherance of the authorized purposes and best interests of the district or districts, the board or boards may thereupon, in its discretion, by resolution recommend the establishment of an improvement work unit and a program for works of improvement therein to the board or boards of county commissioners of the counties in which the affected land is located for further action as hereinafter provided. By such resolution the board or boards shall give the unit an appropriate name or number, which may be the same as or different from the one proposed in the initiatory request, and shall recommend definite boundaries for the improvement work unit, which may be the same as proposed in the request or may be modified as the board or boards deem advisable. By such resolution the board or boards may also enlarge, reduce, or otherwise modify the proposed objectives of the program, but not so as to make a substantial change in the main purposes thereof as stated in the initiatory request unless consented to in writing by the signer or signers. At any time before further action is taken on the project as provided in subdivision 4 the district board or boards may amend the resolution, subject to the foregoing limitations.*

**Subd. 3. Preliminary program plans; application for federal**

**Changes or additions indicated by *italics*, deletions by ~~strikeout~~.**

**or other aid; cooperation with other agencies; report and recommendations to the county board; adoption of improvement work plan.** *After adoption of the resolution recommending the improvement work unit and program as provided in subdivision 2, with amendments thereto, if any, the board or boards, when the board or boards of county commissioners by resolution so directs, may make or cause to be made such further surveys and studies as may be necessary and thereupon make or cause to be made a preliminary general plan for carrying out the program for the improvement work unit as set forth in the resolution or any part thereof, with cost estimates therefor. The board or boards, at the direction of the county board or boards, may make application for federal aid, state aid, or aid available from any other source for the works embraced in the program or any part thereof under Public Law 566 or any act amendatory thereof or supplementary thereto or any other applicable federal or state law, and may take all steps necessary to determine whether such aid will be available and the amount thereof. The board may consider how the cost of the works of improvement or any part thereof above prospective federal or other aid may be met from the funds of the district or from the proceeds of assessments on benefited property or otherwise, and make estimates therefor. If the cooperation or joint action of any adjacent soil and water conservation district or any other public agency is desirable for any purpose under the program or in connection therewith, the board, at the direction of the county board or boards, may negotiate with the authorities concerned for such cooperation or joint action as authorized in Minnesota Statutes, Chapter 40, and acts amendatory thereof, or as otherwise provided by law. Upon completion of the foregoing steps as far as necessary, the board or boards may make and file a report, summarizing its findings thereon and its recommendations for further action on the program or any part thereof. The board or boards shall make the plan together with the preliminary general plan for the improvement work unit available to the county board or boards and to all other public agencies and persons concerned, and may give such publicity thereto as the district board deems advisable. The report shall contain substantially the same engineering information required by Minnesota Statutes, Section 112.49, Subdivisions 1 and 2. The board or boards shall transmit a copy of the report and preliminary plan to any regional development agency created by Minnesota law for the region in which each project is located, and in those cases where the plan involves a project for which a permit is required from the commissioner of conservation under Minnesota Statutes, Chapter 105, or for which proceedings will be instituted under Minnesota Statutes, Chapter 106, to the commissioner of conservation and to the water resources board. The water resources board shall review the report and plan and, if it*

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

*concludes that the plan is inconsistent with systematic administration of state water policy, shall report its conclusion to the board or boards and the commissioner of conservation within 60 days after receiving the report and plan. Thereafter the board or boards may modify and retransmit the report and preliminary plan to the water resources board, or may request a hearing on the report and plan before the water resources board. The water resources board shall hear the matter in the same manner, and follow the same procedures, as provided in Minnesota Statutes, Sections 105.76 to 105.79, for the hearing of cases where it consents to intervention proceedings. Except where the water resources board concludes that the report and plan are inconsistent with state water policy, the district board or boards, with the approval of the county board or boards, may adopt and sponsor the improvement work unit and a program of work for the unit.*

**Subd. 4. Action on work project pursuant to report; petition and hearing.** *The county board or boards, acting jointly under Minnesota Statutes, Section 471.59, may take action on a project within the improvement work unit for construction or installation of works of improvement or part thereof pursuant to the recommendations in the report only upon a petition for a project signed by at least 25 percent of the owners of the land over which the proposed improvement work passes or upon which it is located, or by the owners of at least 30 percent of the area of such land, describing such land and requesting the county board or joint county board to hold a hearing on the practicability and desirability of carrying out the project in accordance with the preliminary plan and the recommendations in the report of the district board or boards. If the report specifies that any part of the cost of the project is to be paid from the proceeds of assessments on benefited property, one or more of the petitioners, upon the filing of the petition and before any action is taken thereon, shall file a bond to the county or counties acting jointly conditioned as provided by Minnesota Statutes, Section 106.041 in the case of a county drainage system, to be approved by the chairman of the board. The county board or joint county board shall set a time and place for the hearing on the petition, and cause notice thereof to be given as provided in Minnesota Statutes, Section 106.101, Subdivision 1. If upon the hearing the county board or joint county board finds that the carrying out of the project as requested in the petition will be feasible, in accordance with the recommendations of the report, and in furtherance of the objectives and purposes therein set forth, and that the estimated cost will not exceed the funds which may reasonably be expected to be available for payment thereof, the county board or joint county board may adopt a resolution so determining and directing*

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

*further action on the project as hereinafter provided. By such resolution the county board or joint county board shall determine the amount to be paid from the respective sources of available or potentially available funds, including federal aid, district funds, assessments on benefited property, and other funds, if any. The amount payable from district funds may be commensurate with but shall not exceed the value of the general public benefit of the project to the district as determined by the board or boards.*

**Subd. 5. Action on project without assessments.** *If no part of the project cost is to be paid from assessments on benefited property, the county board or joint county board may proceed with complete surveys and detailed plans and specifications and make its order establishing the project. The order shall contain findings substantially conforming to those required by Minnesota Statutes, Section 106.201. Notice summarizing the findings and order shall be served upon those persons entitled to receive notice of a county drainage project pursuant to Minnesota Statutes, Section 106.171, in the manner therein provided unless such notice is waived in writing by each person entitled to receive such notice. The waiver of notice shall be filed with the county auditor. Unless an appeal is taken within 30 days after the notice is given, the county board or joint county board may proceed to acquire necessary rights or property, procure materials, let contracts, and take any other steps appropriate to complete the project. The county board or joint county board may delegate its duties and powers under this subdivision to the district board or joint district board provided that the district board or joint district board shall not exercise the power of eminent domain.*

**Subd. 6. Action on project with assessments.** *If any part of the cost of the project is to be paid from the proceeds of assessments on benefited property, viewers shall be appointed as provided in Minnesota Statutes, Section 106.141, and shall report as required by Minnesota Statutes, Sections 106.151 and 106.161. The board or joint board of county commissioners shall direct the petitioners or, with its consent, the board or joint board of supervisors, to provide such engineering services as may be necessary to produce final plans adequate for the construction of the proposed improvement. The county board or joint county board shall then give notice of and conduct a final hearing substantially in accordance with Minnesota Statutes, Sections 106.171 to 106.191 inclusive, as in the case of a county drainage proceeding, so far as these sections are consistent with Minnesota Statutes, Chapter 40, and acts amendatory thereof. If it is determined that the total benefits to property are not as much as the amount payable from the proceeds of assessments as specified in the report of the board or boards under subdivision 3 of this section, the petition shall*

**Changes or additions indicated by italics, deletions by strikeout.**

*be dismissed and further action on the project discontinued except as hereinafter provided, unless the county board or joint county board shall determine that the deficiency may be met by increasing the amount payable from district funds or other funds, subject to the limitations hereinbefore prescribed in which case further action for completion of the project may be taken as herein provided. If it is determined that the total benefits to property are as much as or more than the amount payable from the proceeds of assessments as specified in the report and that the other applicable requirements of law have been complied with, the county board or joint county board shall by order containing such findings establish the project as reported or amended and adopt and confirm the viewers' report as made or amended. If the total amount of benefits to be assessed upon property pursuant to the viewers' report as so adopted and confirmed is greater than the amount specified as payable from such assessments in the report of the board or boards under subdivision 3, the county board or joint county board may reduce the amounts payable from other sources of funds accordingly in such proportions as it may determine. Further action shall be taken thereon as provided in Minnesota Statutes, Chapter 106, so far as appropriate, except that each tract of land affected shall be assessed for the full amount of benefits, less damages, if any, as shown by the viewers' report as adopted and confirmed, unless the total amount of such benefits, less damages, exceeds the total actual cost of the project to be paid from the proceeds of assessments, in which case such cost shall be prorated for assessment purposes as provided in Minnesota Statutes, Section 106.341. Upon filing of the viewers' report as provided in this section the county board of each county affected shall provide funds to meet its proportionate share of the total cost of the improvement, as shown by the report and order of the county board or joint county board, and for such purposes is authorized to issue bonds of the county in such amount as may be necessary in the manner provided in Minnesota Statutes, Section 106.411.*

*The provision of Minnesota Statutes, Section 106.411 requiring the county board to let a contract for construction before issuing bonds shall not be applicable to bonds issued to provide the funds required to be furnished by this section.*

*The county board or joint county board, pursuant to agreement with the district board or boards, may by resolution direct the district to undertake, construct, install, maintain, and operate the work of improvement upon terms mutually agreed upon. However, if it is necessary to acquire property by eminent domain, the county, or the counties acting jointly, shall exercise the power of eminent domain and*

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

*shall convey the property to the district or districts pursuant to the agreement.*

*If, pursuant to an agreement, the responsibility for a work of improvement is vested in a district or districts, the respective county treasurers shall transmit the proceeds of all related assessments or bond issues, when collected, to the treasurer of the district, who shall credit the same to the proper funds under the direction of the district board.*

**Subd. 7. Project bonds.** *The county board may pledge the proceeds of any assessments on property made for the purposes of a project as hereinbefore provided, any revenues derived from such a project, and the proceeds of tax levies or funds from other sources to the payment of any bonds issued for the purposes of the project.*

**Subd. 8. Reinstatement of discontinued project.** *If a project is discontinued by reason of dismissal of the proceedings or otherwise at any time after action thereon has been commenced under subdivision 4 of this section, the project shall have the same status as if no such action had been commenced. The report of the district board thereon shall continue to be subject to amendment as hereinbefore provided, a new petition for further action may be made at any time as provided in subdivision 4, and further proceedings had as hereinbefore provided.*

**Subd. 9. Repair.** *The term "repair" used in this section means restoring the project works of improvement or any part thereof as nearly as practicable to the same condition as when originally constructed or subsequently improved.*

*After the construction of a project has been completed and accepted by the board of the county or district having authority over the project, the board shall maintain the same or such part thereof as lies within its jurisdiction and provide the repairs required to render it efficient to answer its purpose. This board shall have, exercise, and perform the powers and duties of the county board under section 106.471, except as follows. If this board is a board of a soil and water conservation district, the financing of repairs which require assessments and bond issues shall be the responsibility of the county board or joint county board in a manner similar to that provided for the financing of the cost of original construction of the project and as provided in section 106.471, so far as appropriate.*

Sec. 9. Minnesota Statutes 1967, Chapter 40, is amended by adding a section to read:

**[40.073] Appeals.** *Any person aggrieved by an order of*

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

*the board or joint board of county commissioners in any proceedings undertaken pursuant to section 8, subdivisions 5 or 6 of this act, may appeal to the district court upon the grounds and in the manner provided by Minnesota Statutes, Section 106.631, for a county drainage proceeding. Notices required by Minnesota Statutes, Section 106.631, to be filed with the county auditor shall also be filed with the board or joint board of supervisors. No appeal shall be permitted from an order of the board or joint board of county commissioners or the board or joint board of supervisors made pursuant to section 8, subdivisions 5 or 6 of this act which dismisses a petition or refuses to establish a project.*

Sec. 10. **Effective date.** *This act is effective July 1, 1969.*

Became law without governor's signature.

Filed May 24, 1969.

---

#### CHAPTER 638—H. F. No. 1133

*An act relating to attorney general; appointment of deputies and assistants, department of taxation; amending Minnesota Statutes 1967, Section 8.023:*

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1967, Section 8.023, is amended to read:

**8.023 Attorney general; deputy, department of taxation.** The attorney general shall appoint ~~an assistant~~ *a deputy* attorney general, in addition to the number now authorized by law, who shall be assigned to the department of taxation. He shall receive the same salary as other ~~assistant deputy~~ attorneys general, and the compensation and all expenses and disbursements of such ~~assistant deputy~~ attorney general shall be paid from the moneys appropriated to and for the use of the department of taxation.

Approved May 23, 1969.

---

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**